

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SARAH FINK.

**Plaintiff,**

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration.

**Defendant.**

CASE NO. 13-cv-05417 RBL

**REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND**

This matter has been referred to Magistrate Judge J. Richard Creaturea pursuant to 28

U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews*, *Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 24.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

1 On remand, based on the parties' stipulation, this Court recommends that the  
2 Administrative Law Judge hold a new hearing and issue a new decision in regard to plaintiff's  
3 application for supplemental security income payments pursuant to Title XVI of the Social  
4 Security Act. The ALJ shall reconsider if plaintiff met the requirements of Listing 12.05C.  
5 Specifically, the ALJ shall (1) attempt to obtain and make part of the record the 2010 evaluation  
6 referenced at Tr. 25 and 317, (2) obtain evidence about the medical basis supporting plaintiff's  
7 2001 award of Supplemental Security Income, and (3) consolidate this claim with plaintiff's  
8 subsequent application for benefits.

9 The parties stipulate that following proper application to the Court, plaintiff will be  
10 entitled to reasonable attorney's fees and costs pursuant to Equal Access to Justice Act, 28  
11 U.S.C. § 2412(d).

12 Given the facts and the parties' stipulation, the Court recommends that the District Judge  
13 immediately approve this Report and Recommendation and order that the case be **REVERSED**  
14 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

15 Dated this 2nd day of April, 2014.

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18 J. Richard Creatura  
19 United States Magistrate Judge  
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